

**To:** Singerman, Joel[Singerman.Joel@epa.gov]; Charney, Lauren[Charney.Lauren@epa.gov]; Filipowicz, Urszula[Filipowicz.Urszula@epa.gov]; Cutt, Diana[Cutt.Diana@epa.gov]  
**From:** DiMartino, John  
**Sent:** Thur 2/23/2017 3:10:12 PM  
**Subject:** FW: News Clips

Didn't know if you saw this , Judith enck weighing in on the settlement proposal b/w HF's and SG & Honeywell.

Politico

**Former EPA official criticizes revised Hoosick Falls settlement**

By Marie J. French

02/22/17

Former EPA official Judith Enck is criticizing a revised settlement proposal between the village of Hoosick Falls and the companies being held responsible for polluting the small upstate New York community's drinking water.

The village posted a revised agreement with Saint Gobain and Honeywell late Tuesday and scheduled a meeting to consider it on Thursday. The agreement increases the amount the companies will pay the village by \$195,000 to about \$1 million but still includes a controversial provision to release the companies from some claims by the village over the PFOA contamination that was found in the existing water supply.

The village board tabled the previous settlement proposal after a lengthy public meeting where many residents spoke out against it.

Enck, the former head of the EPA region that includes New York, wrote in an open letter to Hoosick Falls Mayor David Borge that the proposed agreement was an example of two experienced companies taking advantage of a small community. She urged him to reject or table the proposal, noting an election would be held in March and the new mayor may be able to negotiate a different settlement.

"This is a completely inadequate amount of money for the village and is not in the public interest," wrote Enck, who oversaw the EPA's response to the water crisis in Hoosick Falls. "Based on experience, new information is often uncovered and costs often rise. There is no valid reason for the Village to give up its legal rights today."

A spokesperson for Saint Gobain did not respond to a request for comment.

"This revised settlement agreement reimburses the Village for the costs it has incurred, and does not affect our ongoing obligations to complete the environmental investigations and necessary remediation," Honeywell spokeswoman Victoria Streitfeld said in a statement. "It also does not change our obligation to pay for operating the PFOA removal system for the Village's water distribution system."

The proposed settlement releases the companies from claims related to "the presence of PFOA in the Village's current municipal water supply and current well configurations" and pipes used to deliver water from the municipal supply.

The settlement does reserve the village's right to recover damages related to contaminants other than PFOA, new wells, expansions of the water system and reduced value of village properties, among other potential future claims. It also includes a reciprocal release of the village by the two companies.

The revised agreement still has "significant defects," said David Engel, a lawyer for the group Healthy Hoosick Water.

"Either the release shouldn't be there or the money should be a whole heck of a lot larger," Engel said. "The village still faces all sorts of claims and problems going forward from this PFOA contamination, and that contamination was caused by Saint Gobain and Honeywell."

He said the proposed agreement does not include any protection for the village for future claims brought by individuals. He said it also allows the company to pull in the village as a third-party defendant in the event of future lawsuits.

Borge has previously said about \$513,000 of the settlement would be used to pay legal fees, engineering costs and communications consultants hired by the village to respond to the crisis. The rest of the money is to cover the village's losses related to reduced water and sewer use, expenses for flushing the water system and administrative costs for mailers and other documentation related to the contamination.

UPDATE: This story has been updated with a statement from Honeywell.

The agreement increases the amount the companies will pay the village by \$195,000 to about \$1 million but still includes a controversial provision to release the companies from some claims. | AP Photo

News 10

## **Strong reactions arise towards revised agreement with Hoosick Falls, Saint Gobain, Honeywell**

By Lindsay Nielsen

February 22, 2017, 5:09 pm

HOOSICK FALLS, N.Y. (NEWS10) — Many have criticized this agreement and now the former EPA Region 2 Administrator is doing the same, but the village mayor says he's proud of the revised agreement.

"This is the most one one-sided, inadequate, legal agreement I've ever seen," Former EPA Region 2 Admin. Judith Enck said.

"It's piece of crap number two," Loreen Hackett from PFOA Project NY said.

"It would be a ridiculous decision to pass this agreement," Michael Hickey said.

The strong reactions are coming after the Village of Hoosick Falls announced a revised agreement between the village and those being held responsible for PFOA contamination, Saint Gobain and Honeywell. In the new agreement, the village would get \$1,045,000 dollars instead of the original \$850,000. A portion of the money would reimburse the village for costs related to PFOA contamination including consulting firms, engineering and water sampling.

Village resident Michael Hickey, who discovered the contamination, thinks the agreement is premature.

"Our permanent system just became live, not even a month ago so, we really don't even know the full impacts of what we have in Hoosick Falls," Hickey said.

Loreen Hackett with PFOA Project New York agrees.

"PFOA may still pop up, given we're still finding VOC's, given the movement of plumes," Hackett said.

Perhaps most troubling to those who disagree with the agreement is a line that states the village cannot sue the companies for any claims now or in the future relating to PFOA, unless it involves new wells, alternative water sources, additions to the current water system, decrease in property values, and other contaminants.

"I think the mayor can get a much better agreement," Enck said.

In a statement from Village Mayor Dave Borge on Wednesday, he said, "The Board and Village attorneys worked very hard with the companies on this unprecedented agreement and we appreciate their effort to work with us and resolve outstanding issues. Our priority from the beginning has been to ensure residents do not bear the brunt of a situation they didn't create."

There is a special meeting about this on Thursday at 6 p.m. in Hoosick Falls at the armory.

Times Union

## **Former EPA chief urges rejection of PFOA settlement**

### **Judith Enck calls Hoosick Falls deal "deeply flawed"**

By Brendan J. Lyons

February 22, 2017

Hoosick Falls

Hoosick Falls' officials have drafted a new agreement that calls for two companies blamed for polluting the village's water supply to pay \$1.04 million to settle partial costs for the contamination.

But the reworked agreement, which includes changes recommended by the public after an initial proposal that was widely criticized, quickly drew fire from residents and others who say it's too early for Hoosick Falls to give up its ability to recover future unforeseen damages.

Mayor David Borge said the agreement, which was posted on the village's website Tuesday night, will cover the costs of the small community's expenses for engineering, water sampling, and legal and public relations advice since the contamination was discovered in 2014.

"The board and village attorneys worked very hard with the companies on this unprecedented agreement and we appreciate their effort to work with us and resolve outstanding issues," Borge said Wednesday. "Our priority from the beginning has been to ensure residents do not bear the brunt of a situation they didn't create.

The new agreement, which will go before the village board at a special meeting Thursday, adds language stating the village will not be prohibited from bringing future claims related to new wells, alternative water sources, additions to the current water system that may be needed, contamination associated with pollutants other than PFOA or damages for diminished property values.

It adds \$195,000 to the prior settlement proposal and includes language clarifying — but still limiting — the village's ability to bring future claims against the two companies, Saint-Gobain Performance Plastics and Honeywell International, that have operated a McCaffrey Street manufacturing plant that's a focus of the ongoing pollution investigation.

Village residents, including leaders of the grassroots group Healthy Hoosick Water have urged the board to delay voting on the settlement and preserve the municipalities' rights to bring any future claims — pending the outcome of ongoing investigations by the companies, the state Department of Environmental Conservation and the U.S. Environmental Protection Agency.

Judith Enck, who recently stepped down as administrator of the U.S. Environmental Protection Agency's Region 2, which includes New York, wrote a letter to Borge on Wednesday urging the village not to adopt the agreement and calling it "an illustration of two experienced companies taking advantage of a small community."

Enck, who is from Rensselaer County, characterized the draft agreement as "deeply flawed" and the product of negotiations with two companies "very experienced in negotiating pollution settlements."

"This is a completely inadequate amount of money for the village and is not in the public interest," Enck wrote. "Based on experience, new information is often uncovered and costs often rise. There is no valid reason for the village to give up its legal rights today."

Borge, who will not seek re-election next month, also has been urged by many residents to table the matter for consideration by the new administration. Rob Allen, a Hoosick Falls school district music teacher, is circulating petitions for the mayor's position and no challenger has declared a candidacy.

The draft agreement to be considered by the board Thursday has stoked concern from the public because it releases the companies from any future claims by the village "for any and all claims which the village now has, or might have in the future, against the corporate releases relating in any extent to the presence of PFOA in the village's current municipal water supply and current well configurations and all appurtenances related thereto more specifically described as wells, pipes, pumps, holding tanks and such other means of water extraction or delivery by both commercial and residential customers of the municipal water system."

Village officials previously said the deal is intended to have the companies cover expenses the village incurred after it was discovered in 2014 that a toxic manufacturing chemical, PFOA, polluted the village's water supply.

Saint-Gobain owns a manufacturing plant on McCaffrey Street that has been a focus of investigations by the state and EPA. Honeywell was drawn into the case because one of its predecessor corporations, Allied Signal, operated the facility from 1986-96.

PFOA, or perfluorooctanoic acid, was used in manufacturing there by at least five companies that owned and operated the plant since 1956.

The board was poised to vote on the deal two months ago but backed off when a resident complained there was no notice of the settlement and the public did not have a chance to review the proposal. Board members scheduled a public meeting on the agreement that drew dozens of residents who urged the elected officials to re-think the idea.